

**BEFORE THE  
WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR SPOKANE COUNTY**

In the Matter of

File No. BRB 582-04: PROPOSED	}	
ANNEXATION OF 644 ACRES TO THE	}	RESOLUTION AND HEARING
CITY OF LIBERTY LAKE	}	DECISION FOLLOWING
(INLAND EMPIRE PAPER)	}	REMAND FROM SUPERIOR COURT

**HEARING DECISION**

BRB 582-04: Proposed Annexation of 644 Acres to the City of Liberty Lake (Inland Empire Paper) is hereby **APPROVED** by the Washington State Boundary Review Board pursuant to RCW 36.93.170, "Factors to be considered by the Board", RCW 36.93.180, "Objectives of the Boundary Review Board", and RCW 36.09.157, "Decisions to be consistent with the Growth Management Act".

**LEGAL DESCRIPTION**

All that certain real property located in the County of Spokane, State of Washington and consisting of the following:

Government Lots 7 and 8 and the Southeast Quarter of Section 8, Township 25 North, Range 45 East W.M.; EXCEPT that portion conveyed to the Washington State Parks and Recreation Commission by deed recorded August 25, 1988 under Recording Number 8808250252.

Government Lots 5 and 6 and the South Half of the Southwest Quarter of Section 9, Township 25 North, Range 45 East W.M.; EXCEPT that portion conveyed to the Washington State Parks and Recreation Commission by deed recorded August 25, 1988 under Recording Number 8808250252.

That portion of the Northwest Quarter of Section 16, Township 25 North, Range 45 East, W.M., lying northerly of the southerly right of way of the former Chicago, Milwaukee, St. Paul and Pacific Railway right of way.

The Northeast Quarter of Section 17, Township 25 North, Range 45 East, W.M. lying north of the north right-of-way line of PSH No. 2 (I-90); TOGETHER WITH that portion of the Southeast quarter of said Section 17 lying northerly of the southerly boundary of the Spokane Valley Irrigation District Number 10 canal right of way.

## **RESOLUTION**

WHEREAS, pursuant to the provisions of the Revised Code of Washington (RCW 36.93.100), the Washington State Boundary Review Board for Spokane County is required to review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 whenever its jurisdiction is invoked;

WHEREAS, the annexation process was initiated by property owners of more than ten percent of the assessed value filing notice with the Liberty Lake City Council of their intention to commence annexation proceedings;

WHEREAS, the City of Liberty Lake issued an environmental checklist and DNS (Determination of Nonsignificance) on March 24, 2004 for the proposal;

WHEREAS, owners of sixty percent of the assessed value in the proposed annexation area signed a petition to annex to the City of Liberty Lake;

WHEREAS, the Liberty Lake City Council conducted a public hearing on the proposed annexation on July 20, 2004 and adopted Resolution 04-068 indicating the City's intent to annex the area and directed its staff to file a notice with the Boundary Review Board;

WHEREAS, the petition was certified as sufficient by the Spokane County Assessor on August 2, 2004;

WHEREAS, a Notice of Intention was filed with the Boundary Review Board on August 5, 2004 by the City of Liberty Lake proposing the annexation of 644 acres;

WHEREAS, the City of Liberty Lake invoked the Board's jurisdiction at the same time that the Notice of Intention was filed;

WHEREAS, the Notice of Intention was circulated to affected agencies and interested parties on August 18, 2004 for review and comments;

WHEREAS, the Boundary Review Board at a special meeting held on September 24, 2004 set a public hearing on the proposed annexation for October 11, 2004, at 7:00 pm at the Liberty Lake Sewer and Water District Office, 22510 East Mission Road in Liberty Lake and directed its staff to advertise the area for the hearing;

WHEREAS, the area proposed for annexation was posted with a Notice of Public Hearing on September 23, 2004 in at least ten conspicuous places;

WHEREAS, property owners in the annexation area were mailed a notice of the public hearing on September 7, 2004;

WHEREAS, public notice procedures pursuant to RCW 36.93.160 were carried out including: notice to affected jurisdictions thirty days prior to the public hearing (September 7, 2004),

publication of legal notices in the *Spokesman Review* (September 12, 2004, September 26, 2004, and October 3, 2004); *Valley News Herald* (October 1, 2004); and the *Liberty Lake Splash* (September 30, 2004);

WHEREAS, the Board held a special meeting on September 27, 2004 which was advertised pursuant to RCW 42.30.080 to inspect the proposed annexation area;

WHEREAS, prior to the public hearing, the Board received the following exhibits:

Exhibit 1: Letter submitted by Doug Smith, Director of Planning and Community Development Department, City of Liberty Lake, requesting jurisdiction be invoked

Exhibit 2: Information submitted by the City of Liberty Lake about the Liberty Lake Comprehensive Plan

Exhibit 3: Letter dated September 28, 2004 from the Board of County Commissioners recommending the annexation be denied

Exhibit 4: Letter received October 5, 2004 from the City of Spokane Valley requesting the annexation be disapproved;

WHEREAS, a public hearing was held on October 11, 2004, at 7:00 pm at the Liberty Lake Sewer and Water District Office, 22510 East Mission Road in Liberty Lake and a verbatim report of proceedings was created by a court reporter and all Board members were present;

WHEREAS, the Board Director administered an oath to those planning to testify;

WHEREAS, public testimony was given by:

- 1) Doug Smith, City of Liberty Lake, 1421 Meadowwood Lane
- 2) Cary Driskell, City of Spokane Valley, 11707 East Sprague
- 3) Steve Peterson, Mayor, City of Liberty Lake, 1421 Meadowwood Lane
- 4) Shirley Welch, 1509 N. Aladdin Road, Greenacres
- 5) Dick Solberg, 1819 N. Glenbrook Road, Greenacres
- 6) Jeff Malgren, Greenacres
- 7) Dick Edwards, 312 W. 32nd Avenue, Spokane
- 8) Wayne Frost, Centennial Properties, 3320 N. Argonne, Spokane;

WHEREAS, the following exhibits were received at the public hearing:

Exhibit No. 5

Comments submitted by Cheryl Bratton asking the Board to deny the annexation

Exhibit No. 6

Packet submitted October 11, 2004 by Jim Frank, Greenstone, in support of the annexation

Exhibit No. 7

2005 Budget for the City of Liberty Lake submitted by Mayor Steve Peterson, City of Liberty Lake;

WHEREAS, the Boundary Review Board continued the public hearing to Monday, November 8, 2004 at 3:15 pm in the Spokane County Public Works Building Hearing Room, 1026 West Broadway, Spokane to allow additional testimony;

WHEREAS, prior to the continued public hearing, the Board received the following exhibits:

Exhibit No. 8

Letter dated October 29, 2004 from Michael Wirt, Spokane County Library District regarding potential impacts of the proposed annexation;

Exhibit No. 9

Letter dated November 1, 2004 from Mildred H. Gantt asking the Board to deny the annexation;

Exhibit No. 10

Letter dated November 3, 2004 from City of Spokane Valley commenting on the Washington State Growth Management Act and the Boundary Review Board's factors and objectives;

WHEREAS, the continued public hearing was held on November 8, 2004 at 3:15 PM at the Spokane County Public Works Hearing Room and all proceedings were recorded by a court reporter and all Board members were present;

WHEREAS, the Board Director administered an oath to those planning to testify;

WHEREAS, public testimony was given by:

- 1) Martin Rollins, Deputy Prosecuting Attorney, Spokane County
- 2) John Pederson, Planner, Spokane County
- 2) Scott Kuhta, Senior Planner, City of Spokane Valley
- 3) Cary Driskell, Deputy City Attorney, City of Spokane Valley
- 4) Shirley Welch, 1509 North Aladdin, Greenacres
- 5) Jason Wheaton, 1421 North Meadowwood Lane, Greenstone Corporation
- 6) Mike Terrell, Consultant to Greenstone, 1110 South Denny Court
- 7) Wayne Frost, 3320 North Argonne Road, Centennial Properties
- 8) Doug Smith, Director of Planning and Community Development, City of Liberty Lake;

WHEREAS, the following exhibits were received at the public hearing:

Exhibit No. 11

Map indicating residents and non-residents signing the petition in the proposed area;

Exhibit No. 12

Matrix submitted by Doug Smith indicating annexations that were approved when a city's comprehensive plan was found non-compliant by a Growth Management Hearings Board (GMHB);

WHEREAS, the Boundary Review Board closed the public hearing for the admission of any evidence other than (1) the GMHB cases referred to in Exhibit No. 12 and (2) a summary of those cases to be prepared by the Board's counsel, and further scheduled a special meeting for Monday, November 15, 2004 at 3:00 pm in the Spokane County Public Works Building Hearing Room, 1026 West Broadway, Spokane;

WHEREAS, the special meeting was held on November 15, 2004 at 3:00 PM at the Spokane County Public Works Hearing Room, Spokane and all Board members were present;

WHEREAS, the Boundary Review Board considered all testimony and exhibits properly made part of the Board's record, adopted plans and policies of the Growth Management Act, the factors contained in RCW 36.93.170, and determined which objectives were met or not met by the proposal (RCW 36.93.180) and, upon a vote of five (5) in favor and none (0) opposed directed its staff to prepare a written decision disapproving the proposal;

WHEREAS, the Boundary Review Board entered its written decision concerning this matter, pursuant to RCW 36.93.160 (4), and adopted and filed its Resolution and Hearing Decision with the Board of County Commissioners and the Clerk of each governmental unit directly affected on December 2, 2004;

WHEREAS, the Board's decision was appealed to the Spokane County Superior Court within thirty days of the filing of the written decision and was remanded back to the Board for an additional public hearing based upon the changed circumstances regarding the adoption of the City of Liberty Lake's Comprehensive Plan including the Capital Facilities element;

WHEREAS, the Boundary Review Board set Monday, February 13, 2006 at 7:00 pm in the Liberty Lake Elementary School, 23606 East Boone Avenue, Liberty Lake, as the time, date, and place of the public hearing;

WHEREAS, the area proposed for annexation was posted with Notices of Public Hearing on January 20, 2006 in at least ten places;

WHEREAS, property owners in the annexation area were mailed a notice of the public hearing on January 18, 2006;

WHEREAS, public notice procedures pursuant to RCW 36.93.160 were carried out including: notice to affected jurisdictions thirty days prior to the public hearing (January 12, 2006), publication of legal notices in the *Spokesman Review* (January 15, 2006, January 29, 2006, and February 5, 2006); *Valley News Herald* (January 20, 2006, January 27, 2006, and February 10, 2006); and the *Liberty Lake Splash* (January 19, 2006, January 26, 2006, and February 9, 2006);

WHEREAS, the Board held a special meeting on February 2, 2006 which was advertised pursuant to RCW 42.30.080 to inspect the proposed annexation area;

WHEREAS, prior to the public hearing, the Board received the following exhibits:

Exhibit No. 14

Letter dated January 23, 2006 from Michael Wirt, Spokane County Library District regarding potential impacts of the proposed annexation (Addendum to Exhibit 8).

Exhibit No. 15

City of Liberty Lake Comprehensive Plan submitted by Doug Smith, Planning Director of the City of Liberty Lake on January 25, 2006. Mr. Smith marked portions of the Comprehensive Plan pertaining to this proposal.

Exhibit No. 16

City of Liberty Lake Capital Facilities Plan submitted by Doug Smith, Planning Director of the City of Liberty Lake on January 25, 2006.

Exhibit No. 17

Notebook containing documentation and maps supporting the annexation submitted by Greenstone Corporation and Centennial Properties on January 30, 2006.

Exhibit No. 18

E-mail comments submitted on January 28, 2006 by Richard Miller in favor of the annexation.

Exhibit No. 19

Letter from Richard Solberg received January 30, 2006, supporting the proposed annexation.

Exhibit No. 20

Letter from Mildred Gantt received January 31, 2006, opposing the annexation.

Exhibit No. 21

Letter from Jeffrey Minner received January 31, 2006, in favor of the annexation.

Exhibit No. 22

Letter from Doug Smith, Director of Community Development, Liberty Lake received on February 1, 2006 with attachments: Order of Compliance dated March 18, 2005; Second Order of Compliance dated September 13, 2005; and Declaration of Doug Smith dated November 7, 2005.

Exhibit No. 23

Email letter submitted on February 1, 2006 by Matt Duggan in favor of the annexation.

Exhibit No. 24

Email letter submitted on February 4, 2006 from Marion and Samantha Liebman opposing the proposed annexation.

Exhibit No. 25

Packet submitted on February 6, 2006 by Jeff Weber, Buck & Gordon, containing Spokane County Resolution 1-1059; Spokane County Resolution 4-1075 with attached Countywide Planning Policies; Countywide Planning Policies for Spokane County, June 1998; and Spokane County Comprehensive Plan Map, December 1, 2005.

Exhibit No. 26

Copy of letter sent by Greenstone to annexation area residents with comments received from Stan Hills on February 6, 2006 in favor of the annexation.

Exhibit No. 27

Email letter received from Judith McGrady on February 9, 2006 in favor of the annexation.

Exhibit No. 28

Letter received from the Spokane County Board of County Commissioners on February 13, 2006 supporting the Boundary Review Board to move forward with its public hearing process.

Exhibit No. 29

Letter received from Jeff Weber, Buck & Gordon, on February 13, 2006 noting corrections and updates to the Staff Report dated September 27, 2004.

Exhibit No. 30

Letter received from Trudi Kuhn, Manager, River Crossing Homeowner Association, dated February 10, 2006 with a Resolution from the River Crossing Board of Directors in support of the annexation.

Exhibit No. 31

Email letter received from Juanita Van Valkinburgh on February 13, 2006 in support of the proposed annexation.

WHEREAS, a public hearing was held on February 13, 2006, at 7:00 pm at the Liberty Lake Elementary School, 23606 East Boone Avenue, in Liberty Lake and a verbatim report of proceedings was created by a court reporter;

WHEREAS, the Board Director administered an oath to those planning to testify;

WHEREAS, public testimony was given by:

- 1) Stanley Schwartz, Legal Counsel for City of Liberty Lake, 1100 US Bank Bldg, Spokane
- 2) Doug Smith, City of Liberty Lake, 22710 East Country Vista Drive
- 3) Brian Asmus, Police Chief, City of Liberty Lake, 22710 East Country Vista Drive

- 4) Patrick Jenkins, Mayor Pro Tem, City of Liberty Lake, 22710 East Country Vista Drive
- 5) Jason Wheaton, 1421 North Meadowwood Lane, Greenstone Corporation
- 6) Andrew Worlock, 1421 North Meadowwood Lane, Greenstone Corporation
- 7) Cary Driskell, Deputy City Attorney, City of Spokane Valley, 11707 East Sprague
- 8) Amy Mason, 25059 E Ludlow, Liberty Lake
- 9) Shirley Welch, 1509 N. Aladdin Road, Greenacres
- 10) Wayne Frost, Centennial Properties, 3320 N. Argonne, Spokane
- 11) Mike Flanigan, 1712 S. McCabe, Spokane
- 12) Jim Goulding, 22915 E. Settler Drive, Liberty Lake
- 13) Dick Edwards, 312 W. 32nd Avenue, Spokane
- 14) Jeff Weber, Buck and Gordon, Seattle;

WHEREAS, the following exhibits were received during the public hearing:

Exhibit No. 32

Information on Valuation per capita submitted by Doug Smith, Director of Community Development on February 13, 2006.

Exhibit No. 33

Resolution No. 85 dated November 15, 2005 declaring the intent of the City of Liberty Lake to Investigate the Feasibility of Community Revitalization Funding (TIF) and Resolution No. 86 dated December 20, 2005 (unsigned) approving a Community Revitalization Agreement; Authorizing the Execution of Such Agreement; and Providing for Other Matters submitted by Doug Smith, Director of Community Development on February 13, 2006.

Exhibit No. 34

Ordinance No. 83 Establishing the Harvard Road Mitigation Road Fund and the Transportation Benefit District Fund and Providing for Other Matters dated March 5, 2002 and the Harvard Road Mitigation Plan dated December 1995 submitted by Doug Smith, Director of Community Development on February 13, 2006.

Exhibit No. 35

PowerPoint presentation of the City of Liberty Lake submitted by Doug Smith, Director of Community Development on February 13, 2006.

Exhibit No. 36

PowerPoint presentation of the Greenstone Corporation submitted by Jason Wheaton, Greenstone Corporation, on February 13, 2006.

Exhibit No. 37

Letter dated January 10, 2006 from the Greenstone Corporation to Spokane Valley Mayor Diana Wilhite describing coordination issues between the Cities of Liberty Lake and Spokane Valley with regards to the Harvard Road Mitigation program update submitted by Wayne Frost, Centennial Properties on February 13, 2006.

WHEREAS, the Boundary Review Board closed the public hearing and set a special meeting for Monday, March 6, 2006 at 3:00 pm in the Spokane County Public Works Building Hearing Room, 1026 West Broadway, Spokane to deliberate and take action on the proposal;

WHEREAS, the special meeting was held on Monday, March 6, 2006 at 3:00 pm in the Spokane County Public Works Building Hearing Room, 1026 West Broadway, Spokane and all Board members were present;

WHEREAS, the Boundary Review Board considered all testimony and exhibits properly made part of the Board's record, the adopted plans and policies of the Growth Management Act, the factors contained in RCW 36.93.170, and determined which objectives were met or not met by the proposal (RCW 36.93.180) and, upon a vote of five (5) in favor and none (0) opposed directed its staff to prepare a written decision approving the proposal;

WHEREAS, the Boundary Review Board enters its written decision concerning this matter, pursuant to RCW 36.93.160 (4), and is adopting and filing its decision with the Board of County Commissioners and the Clerk of each governmental unit directly affected on or before March 24, 2006.

## **FINDINGS**

BRB 582-04: Proposed Annexation of 644 acres to the City of Liberty Lake (Inland Empire Paper) is APPROVED by the Washington State Boundary Review Board for Spokane County. This action is based upon the following findings pursuant to RCW 36.93.170, "Factors to be considered by the Board", RCW 36.93.180, "Objectives of the Boundary Review Board", and RCW 36.09.157, "Decisions to be consistent with the Growth Management Act".

### **FACTORS (RCW 36.93.170)**

#### **POPULATION AND TERRITORY**

##### **Population density**

The proposed annexation area contains over 500 acres of vacant land. The City of Liberty Lake's Comprehensive Plan for this area is a combination of residential, commercial and industrial uses. The 20-year projected population for the annexation area is 5,000 people.

The population of the City of Liberty Lake is 5,527 and the existing population density is 1,077 people per square mile. There are approximately 240 residences and approximately 600 persons currently within the proposed annexation area. The land area proposed for annexation is 644 acres and the total land area of Liberty Lake is 3,287 acres. The population density of the City of Liberty Lake with the annexation area included is 957 persons per square mile.

##### **Land Area and Uses**

The current land use of the proposed annexation area is residential to the west, mixed commercial to the east, large tract residential across the river to the north, and a rifle range to the south. The area is bordered by the City of Liberty Lake on the east, Interstate 90 and the former irrigation canal alignment to the south, City of Spokane Valley at Hodges Road to the west, and the Centennial Trail to the north. Most of the area is currently being used for agricultural purposes with medium density residential located in the east central portion of the area bisected by Mission Road. New homes are presently being built as a part of the River Crossing PUD recently approved for 487 home sites on 144 acres.

Future development plans for the rest of the annexation area specify a mix of land uses.

##### **Comprehensive Plans and Zoning**

The land is currently under the jurisdiction of Spokane County. The entire annexation area is within Spokane County's Urban Growth Area (UGA). There are three comprehensive planning designations within the area: Urban Activity Center, Medium Density Residential, and Light Industrial. Urban Activity Centers are planned residential and commercial areas consisting of offices, recreation and cultural facilities, and shopping services. The medium residential category consists of 6 to 15 dwelling units per acre. Light Industrial is intended for industrial areas that have a special emphasis and attention given to aesthetics, landscaping, and internal and community

compatibility; consisting predominantly of industrial uses, but may incorporate office and commercial uses that support and compliment the industrial area.

Zoning for the area includes Mixed Use (MU), Low Density Residential (LDR), Medium Density Residential (MDR), and Light Industrial (LI).

In August 2001, the City of Liberty Lake incorporated as a new city and adopted its comprehensive plan on September 16, 2003. The Plan included an annexation element which indicated this annexation area was to be served by the City of Liberty Lake.

The plan was appealed to the Eastern Washington Growth Management Hearings Board. After a series of hearings and preliminary decisions, the plan was amended and augmented to include a capital facilities element. On September 13, 2005, the EWGMHB found the City of Liberty Lake in compliance with the Growth Management Act.

#### **Service agreements entered into under RCW 36.115 or 39.34**

RCW 36.115 creates a flexible process by which local governments form service agreements that define which local jurisdictions shall provide various local governmental services and facilities within specified geographic areas and how those services and facilities will be financed.

The purpose of RCW 39.34 is to allow local government units to make the most efficient use of powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will accord the best with geographic, economic, population and other factors influencing the needs and development of local communities.

Services to the area are presently provided by special purpose districts and upon annexation, shall be provided by the City of Liberty Lake. The City of Liberty Lake has an agreement with Spokane County to administer the Harvard Road Mitigation Plan. In addition, the City of Liberty Lake and Spokane County formed a Tax Increment Financing District for this area to assist in the funding and development of community infrastructure. It is not anticipated that additional service agreements will be required to serve the area.

#### **Interlocal agreements between a county and its cities**

Spokane County has not completed interlocal agreements with the cities and towns.

#### **Per capita assessed valuation**

The 2006 assessed valuation of the 644-acre area is \$30,713,970. Property owners are listed in Exhibit D.

#### **Topography, natural boundaries and drainage basins, proximity to other populated areas**

The topography of the proposed annexation area is relatively flat, sloping north and west from Interstate 90 to the Spokane River. The property forms a plateau and drops 20 feet to the Spokane

River. The Centennial Trail borders the southern bank of the Spokane River and forms the northern boundary of the annexation area.

The predominant soil types found in the area are Garrison gravelly loam, 0 to 15 percent slopes (GgA) and Garrison gravelly loam, 5 to 20 percent slopes (GgB).

The annexation area is located between the Cities of Liberty Lake and Spokane Valley. The annexation area is separated from the populated areas of Liberty Lake by Interstate 90 and is approximately fourteen miles from the Spokane city center.

### **The existence and preservation of prime agricultural soils and productive agricultural uses**

A portion of the area is leased for agriculture and has been used for agriculture for many years. Crops grown in the past include alfalfa, wheat, and barley.

### **The likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years**

The City of Liberty Lake has grown rapidly since its incorporation in 2001. The annexation area with the surrounding undeveloped land inside the City of Liberty Lake is planned to be developed as a master plan that matches Liberty Lake's growth pattern. There has been an increase in the area of about 100 homes between 2004 and 2006. The River Crossing PUD is in the middle of development with a projected 3 to 4 percent completion per year until final build out in 2025 which will have about 3,033 new units of housing. This housing is matched to regional retail, mixed use, retail, hotel, governmental, school, and parks/open space. In the next 10 years, the proposed development should be more than half finished with infrastructure ready for the next phase of development.

### **Location and most desirable future location of community facilities**

The area contains a proposed elementary school site located in a central location for proposed residential housing. The site is connected through a trail and sidewalk system with the Centennial Trail along the north border of the annexation area, the Liberty Lake trail system, and the City of Spokane Valley's sidewalk system. The site also has a proposed park along the Centennial Trail and possible connection to the north side of the Spokane River.

## **MUNICIPAL SERVICES**

### **Need for municipal services**

Urban governmental services, as defined by the state law, include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

At present, Consolidated Irrigation District and private wells and septic systems serve the site. The River Crossing development receives sewer service from Spokane County. Spokane County Fire District 1 provides fire protection and the Spokane County Sheriff provides police services. The State Department of Transportation maintains Interstate 90. The area is within Central Valley School District and the Spokane County Library District.

The level of services provided to the developed area is urban level at present. With annexation, the City of Liberty Lake will provide some municipal services: police protection, library, road maintenance and construction, planning and zoning. The current service providers will continue to provide water, sewers, fire protection, schools, and public transit.

**Effect of ordinances, governmental codes, regulations and resolutions on existing services**

The annexation area has been under the jurisdiction and development regulations of Spokane County, but has been developed using the standards of Liberty Lake for streets, storm water, and building codes when possible. The majority of the annexation area is vacant so there will be no effect as a result of the application of the ordinances and codes on the land. For existing residential and industrial uses, the zoning of the City of Liberty Lake will be very similar to that now applied by Spokane County. Both recognize these existing uses in their Comprehensive Plans and development regulations.

**Present cost and adequacy of governmental services and controls in the area**

The area as presently developed is receiving adequate services from Spokane County and Fire Protection District No. 1. With future development, an urban level of service would be required. Development in the proposed annexation area would be required to meet city standards and codes.

**Prospects of governmental services from other sources**

The area is within Spokane County's Urban Growth Area and could receive urban services from Spokane County if contractual agreements were established. The area is an "island" of unincorporated land and may create service delivery problems for Spokane County as the area develops as urban.

**Probable future needs for such services and controls**

As the area develops as urban, it may be difficult for Spokane County to continue to provide the area with the level of service required.

**Probable effect of proposal on cost and adequacy of services and controls in area and adjacent area**

The level of services in the area is adequate for the land as it is being used at this time. With annexation and development of the area as urban, the City of Liberty Lake will provide library services, law enforcement, transportation planning, and parks and open space facilities as identified in the City's 2005 Capital Facilities Plan.

**The effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units**

Spokane County would not receive property tax revenues based upon the 2006 assessed value of \$30,713,970. The City has annexed to Fire District 1 and the annexation would have no impact on revenues to Fire District 1. The Spokane County Library District would not receive revenues based upon the assessed value. Over time, increases in property and sales taxes will benefit both the City of Liberty Lake and Spokane County as a result of new construction and new businesses in the area.

**The effect of the proposal on adjacent areas, on mutual economic and social interests, and on the local government structure of the county**

The proposed annexation may create future pressure in areas adjacent to the annexation area for commercial and residential development, which could impact the provision of urban services by other service providers. The area is in the urban growth area and will develop at an urban density regardless of annexation.

**OBJECTIVES (RCW 36.93.180)**

**Preservation of natural neighborhoods and communities**

The proposed annexation area is currently being developed at urban densities with a proposed 487 homes scheduled to be built in the River Crossing PUD within the next twenty years. One hundred new homes have been built since 2004 when the proposal first came before the Boundary Review Board. The majority of responses from residents supported the annexation and came from residents of the River Crossing PUD. Their testimony indicated residents of the area identify with the City of Liberty Lake. Residents of the established residential areas seemed to be more opposed to the annexation and felt stronger ties to the City of Spokane Valley or Spokane County. The City of Liberty Lake is making efforts to link the existing community with both the new River Crossing development and the City of Liberty Lake.

The Board considered testimony from residents, plans and phasing for future residential development, and planned community facilities in the area, and finds that the objective is met by the proposal.

**Use of physical boundaries, including but not limited to bodies of water, highways and land contours**

The 644-acre area is bounded to the north by the Centennial Trail property and the City of Spokane Valley's corporate boundary is the western boundary. The eastern and southeast boundary is the Liberty Lake corporate boundary. Interstate 90 bisects the southwestern boundary. The southern boundary is an irrigation canal alignment.

The Board was concerned about the indistinct boundary formed by the former irrigation canal alignment on the southern boundary. The Board concludes that this boundary followed a land contour and is a very small portion of the boundary. The Board finds that this objective is met by the proposal.

**Creation and preservation of logical service areas**

The proposed annexation area would continue to receive urban services from Consolidated Irrigation District for water, Spokane County for sewer service and Fire District 1 for fire protection and EMS. Upon annexation, the City of Liberty Lake will provide the balance of urban services.

The Board considered the City of Liberty Lake's Capital Facilities Plan, testimony of city officials and residents and finds that this objective is met by the proposal.

**Prevention of abnormally irregular boundaries**

The annexation would eliminate an island of County land within the Urban Growth Area and the Board finds that this objective is met by the proposal.

**Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas**

The Board finds that this objective does not apply.

**Dissolution of inactive special purpose districts**

The Board finds that this objective does not apply.

**Adjustment of impractical boundaries**

The annexation area is an island of unincorporated land between the City of Liberty Lake and the City of Spokane County and within the urban growth area. The Board finds that this objective is met by the proposal.

**Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character**

The City of Liberty Lake is an incorporated area proposing to annex an adjacent area within the Urban Growth Area, which is designated as urban in both the Spokane County and City of Liberty Lake Comprehensive Plans.

The Board considered the large amount of vacant land in the annexation area, the plans for urban uses in the annexation area in the plans adopted under the Growth Management Act, the inclusion of the area within Liberty Lake's Comprehensive Plan as a "Future Annexation Area", and the location within the Urban Growth Area and finds that this objective is met by the proposal.

**Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.**

This area is not designated by the County for long term productive agriculture in its adopted comprehensive plan. The Board finds that this objective does not apply to the proposal.

**CONSISTENCY WITH THE GROWTH MANAGEMENT ACT (RCW 36.70A)**

Decisions of the Boundary Review Board are required to be consistent with the Planning Goals (36.70A.020), Countywide Planning Policies (36.70A.210), and Urban Growth Area (36.70A.110), adopted under the Growth Management Act. On November 5, 2001, Spokane County adopted its Growth Management Plan and its Urban Growth Area. The City of Liberty Lake incorporated in August of 2001 and was allowed three years to adopt its comprehensive plan under the Growth Management Act. The City Council adopted its comprehensive plan in September of 2003. The Plan was appealed to the Eastern Washington Growth Management Hearings Board. The EWGMHB issued an order on May 24, 2004 finding that the City of Liberty Lake's comprehensive plan was non-compliant in that it failed to meet the requirements of the Countywide Planning

Policies and for the Capital Facilities Plan. The City of Liberty Lake made additions and corrections to its Comprehensive Plan including its Capital Facilities Plan, and completed a public review process. The City of Liberty Lake adopted its revised plan on August 2, 2005. The EWGMBH entered its decision finding the City of Liberty Lake in compliance with the Growth Management Act on September 13, 2005.

The Boundary Review Board considered the decision of the Eastern Washington Growth Management Hearing Board finding that the Comprehensive Plan, including the Capital Facilities Plan, to be in compliance with the Countywide Planning Policies. The Board also considered that the area is within the Urban Growth Area and therefore, finds the proposal is consistent with the Growth Management Act provisions.

### **DECISION SUMMARY**

The Boundary Review Board finds that the proposal meets the following objectives:

- Preservation of natural neighborhoods and communities;
- Use of physical boundaries, including but not limited to bodies of water, highways and land contours;
- Creation and preservation of logical service areas;
- Prevention of abnormally irregular boundaries;
- Adjustment of impractical boundaries;
- Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character.

The Board finds that the proposal is consistent with the required provisions of the Growth Management Act.

THEREFORE, BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY that based upon the record, testimony and exhibits in File No. BRB 582-04: Proposed Annexation of 644 Acres to the City of Liberty Lake (Inland Empire Paper) is hereby APPROVED.

ADOPTED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY by a vote of \_\_\_\_ in favor and \_\_\_\_ against on this 13th day of March, 2006, and signed in authentication of its adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY

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Phyllis Meyer, Chair

ATTESTED TO and filed by me on this fourteenth day of March, 2006.

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Susan M. Winchell, AICP  
Director